

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

UNITED STATES,	)	CASE NO. 1:00CR470
	)	
Plaintiff,	)	JUDGE JOHN R. ADAMS
	)	Magistrate Judge George J. Limbert
v.	)	
	)	
RICARDO HERNANDEZ,	)	<u>REPORT AND RECOMMENDATION</u>
	)	<u>OF MAGISTRATE JUDGE</u>
Defendant.	)	

This matter was referred to the undersigned in order to conduct the appropriate proceedings, including an initial appearance, detention hearing, preliminary exam and supervised release hearing, and all matters in accordance with Criminal Rule 32.1, except for sentencing. On June 14, 2006, the undersigned conducted an initial appearance regarding the violation and revocation of supervised release and appointed Attorney Joseph Gardner as Defendant's counsel. The Government was represented by Assistant United States Attorney Blas Serrano.

The violation report prepared by the United States Probation Officer on May 22, 2006, in the instant matter indicated that Defendant had committed the following Supervised Release Violations:

1. New Law Violation-On February 17, 2006, the offender was arrested by the Lorain Police Department, Lorain, Ohio, and charged with two counts of Domestic Violence. On March 2, 2006, the offender pled not guilty to one charge and no contest to the other. The first charge was dismissed and the offender was found guilty on the second charge. The offender was sentenced to 1 year good behavior and was court ordered to complete counseling.
2. Failure to advise Probation Office of new arrest - Per the standard conditions of supervision, the offender failed to advise the Probation Office of his contact with law enforcement officers within a 72 hour period.

Violation Report at 1. At the hearing and through his counsel, Defendant stipulated to the violations contained in the Report.

**CONCLUSION AND RECOMMENDATION**

Based upon the Violation Report and Defendant's stipulation, the undersigned finds that Defendant has knowingly and voluntarily admitted to the violations contained in Numbers 1 and 2 of the Violation Report. Consequently, the undersigned finds that Defendant has violated the terms and conditions of supervised release and recommends that the Court find the same. The parties stipulated to a bond in this case which was approved by the undersigned.

Dated: June 14, 2006

/s/George J. Limbert  
George J. Limbert  
United States Magistrate Judge

ANY OBJECTIONS to this Report and Recommendation must be filed with the Clerk of Court within ten (10) days of service of this notice. Failure to file objections within the specified time WAIVES the right to appeal the Magistrate Judge's recommendation. *See Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6<sup>th</sup> Cir. 1981).